

**DECLARATION  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS AND COMPOSITIONS FOR INHIBITION OF MEMBRANE  
FUSION-ASSOCIATED EVENTS, INCLUDING HIV TRANSMISSION**

the specification of which:

is attached hereto  
 was filed in the United States on \_\_\_\_\_ as Application  
 with amendment(s) filed on \_\_\_\_\_ (if applicable)

was filed as PCT international application Serial No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/073,028	June 7, 1993		X	
08/255,208	June 7, 1994		X	
08/360,107	December 20, 1994		X	

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), and Marcia H. Sundein (Reg. No. 30893), whose address is Pennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711				DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS (212) 790-9090	
2 0 1	FULL NAME OF INVENTOR	LAST NAME Bolognesi	FIRST NAME Dani	MIDDLE NAME Paul	
	RESIDENCE & CITIZENSHIP	CITY Durham	STATE OR FOREIGN COUNTRY North Carolina	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 17 Harvey Place	CITY Durham	STATE OR COUNTRY North Carolina	ZIP CODE 27705
2 0 2	FULL NAME OF INVENTOR	LAST NAME Matthews	FIRST NAME Thomas	MIDDLE NAME James	
	RESIDENCE & CITIZENSHIP	CITY Durham	STATE OR FOREIGN COUNTRY North Carolina	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 5906 Newhall Road	CITY Durham	STATE OR COUNTRY North Carolina	ZIP CODE 27713
2 0 3	FULL NAME OF INVENTOR	LAST NAME Wild	FIRST NAME Carl	MIDDLE NAME T.	
	RESIDENCE & CITIZENSHIP	CITY Durham	STATE OR FOREIGN COUNTRY North Carolina	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 1702 B Vista Street	CITY Durham	STATE OR COUNTRY North Carolina	ZIP CODE 27701
2 0 4	FULL NAME OF INVENTOR	LAST NAME Barney	FIRST NAME Shawn	MIDDLE NAME O'Lin	
	RESIDENCE & CITIZENSHIP	CITY Cary	STATE OR FOREIGN COUNTRY North Carolina	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 106 Branchway Road	CITY Cary	STATE OR COUNTRY North Carolina	ZIP CODE 27502
2 0 5	FULL NAME OF INVENTOR	LAST NAME Lambert	FIRST NAME Dennis	MIDDLE NAME Michael	
	RESIDENCE & CITIZENSHIP	CITY Cary	STATE OR FOREIGN COUNTRY North Carolina	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 101 Centerville Court	CITY Cary	STATE OR COUNTRY North Carolina	ZIP CODE 27513
2 0 6	FULL NAME OF INVENTOR	LAST NAME Petteway	FIRST NAME Stephen	MIDDLE NAME Robert	
	RESIDENCE & CITIZENSHIP	CITY Cary	STATE OR FOREIGN COUNTRY North Carolina	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 203 Le Gault Drive	CITY Cary	STATE OR COUNTRY North Carolina	ZIP CODE 27513
2 0 7	FULL NAME OF INVENTOR	LAST NAME Langlois	FIRST NAME Alphonse	MIDDLE NAME J.	
	RESIDENCE & CITIZENSHIP	CITY Durham	STATE OR FOREIGN COUNTRY North Carolina	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 1720 Vista Street	CITY Durham	STATE OR COUNTRY North Carolina	ZIP CODE 27701

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
Dani Paul Bolognesi DATE	Thomas James Matthews DATE	Carl T. Wild DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
Shawn O'Lin Barney DATE	Dennis Michael Lambert DATE	Stephen Robert Petteway, Jr. DATE
SIGNATURE OF INVENTOR 207	SIGNATURE OF INVENTOR 208	SIGNATURE OF INVENTOR 209
Alphonse J. Langlois DATE	DATE	DATE

**DECLARATION  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS AND COMPOSITIONS FOR INHIBITION OF MEMBRANE  
FUSION-ASSOCIATED EVENTS, INCLUDING HIV TRANSMISSION**

the specification of which:

is attached hereto  
 was filed in the United States on December 20, 1994 as Application 08/360,107  
 with amendment(s) filed on \_\_\_\_\_ (*if applicable*)

was filed as PCT international application Serial No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (*if applicable*)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/073,028	June 7, 1993		X	
08/255,208	June 7, 1994		X	

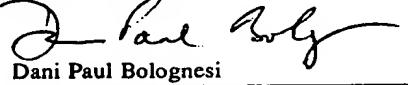
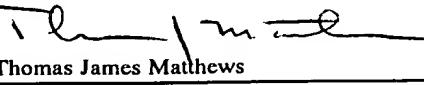
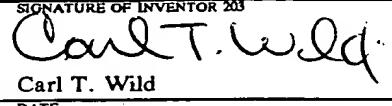
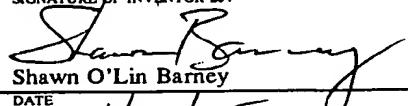
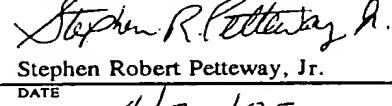
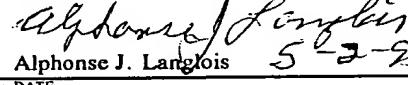
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), and Marcia H. Sundeen (Reg. No. 30893), whose address is Dennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711				DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS (212) 790-9090		
2 0 1	FULL NAME OF INVENTOR	LAST NAME <u>Bolognesi</u> <u>1-00</u>	FIRST NAME <u>Dani</u>	MIDDLE NAME <u>Paul</u>		
	RESIDENCE & CITIZENSHIP	CITY <u>Durham</u>	STATE OR FOREIGN COUNTRY <u>North Carolina</u> <u>NC</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>		
	POST OFFICE ADDRESS	STREET <u>17 Harvey Place</u>	CITY <u>Durham</u>	STATE OR COUNTRY <u>North Carolina</u>	ZIP CODE <u>27705</u>	
2 0 2	FULL NAME OF INVENTOR	LAST NAME <u>Matthews</u> <u>2-00</u>	FIRST NAME <u>Thomas</u>	MIDDLE NAME <u>James</u>		
	RESIDENCE & CITIZENSHIP	CITY <u>Durham</u>	STATE OR FOREIGN COUNTRY <u>North Carolina</u> <u>NC</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>		
	POST OFFICE ADDRESS	STREET <u>5906 Newhall Road</u>	CITY <u>Durham</u>	STATE OR COUNTRY <u>North Carolina</u>	ZIP CODE <u>27713</u>	
2 0 3	FULL NAME OF INVENTOR	LAST NAME <u>Wild</u> <u>3-00</u>	FIRST NAME <u>Carl</u>	MIDDLE NAME <u>T.</u>		
	RESIDENCE & CITIZENSHIP	CITY <u>Durham</u>	STATE OR FOREIGN COUNTRY <u>North Carolina</u> <u>NC</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>		
	POST OFFICE ADDRESS	STREET <u>1702 B Vista Street</u>	CITY <u>Durham</u>	STATE OR COUNTRY <u>North Carolina</u>	ZIP CODE <u>27701</u>	
2 0 4	FULL NAME OF INVENTOR	LAST NAME <u>Barney</u> <u>4-00</u>	FIRST NAME <u>Shawn</u>	MIDDLE NAME <u>O'Lin</u>		
	RESIDENCE & CITIZENSHIP	CITY <u>Cary</u>	STATE OR FOREIGN COUNTRY <u>North Carolina</u> <u>NC</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>		
	POST OFFICE ADDRESS	STREET <u>106 Branchway Road</u>	CITY <u>Cary</u>	STATE OR COUNTRY <u>North Carolina</u>	ZIP CODE <u>27502</u>	
2 0 5	FULL NAME OF INVENTOR	LAST NAME <u>Lambert</u> <u>5-00</u>	FIRST NAME <u>Dennis</u>	MIDDLE NAME <u>Michael</u>		
	RESIDENCE & CITIZENSHIP	CITY <u>Cary</u>	STATE OR FOREIGN COUNTRY <u>North Carolina</u> <u>NC</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>		
	POST OFFICE ADDRESS	STREET <u>101 Centerville Court</u>	CITY <u>Cary</u>	STATE OR COUNTRY <u>North Carolina</u>	ZIP CODE <u>27513</u>	
2 0 6	FULL NAME OF INVENTOR	LAST NAME <u>Petteway</u> <u>6-00</u>	FIRST NAME <u>Stephen</u>	MIDDLE NAME <u>Robert</u>		
	RESIDENCE & CITIZENSHIP	CITY <u>Cary</u>	STATE OR FOREIGN COUNTRY <u>North Carolina</u> <u>NC</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>		
	POST OFFICE ADDRESS	STREET <u>203 Le Gault Drive</u>	CITY <u>Cary</u>	STATE OR COUNTRY <u>North Carolina</u>	ZIP CODE <u>27513</u>	
2 0 7	FULL NAME OF INVENTOR	LAST NAME <u>Langlois</u> <u>7-00</u>	FIRST NAME <u>Alphonse</u>	MIDDLE NAME <u>J.</u>		
	RESIDENCE & CITIZENSHIP	CITY <u>Durham</u>	STATE OR FOREIGN COUNTRY <u>North Carolina</u> <u>NC</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>		
	POST OFFICE ADDRESS	STREET <u>1720 Vista Street</u>	CITY <u>Durham</u>	STATE OR COUNTRY <u>North Carolina</u>	ZIP CODE <u>27701</u>	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

*See paper #15 for correction of  
inventorship*

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  Dani Paul Bolognesi	SIGNATURE OF INVENTOR 202  Thomas James Mathews	SIGNATURE OF INVENTOR 203  Carl T. Wild
DATE 4/25/95	DATE 5-1-95	DATE 5/21/95
SIGNATURE OF INVENTOR 204  Shawn O'Lin Barney	SIGNATURE OF INVENTOR 205  Dennis Michael Lambert	SIGNATURE OF INVENTOR 206  Stephen Robert Petteway, Jr.
DATE 4/19/95	DATE 4/18/95	DATE 4/20/95
SIGNATURE OF INVENTOR 207  Alphonse J. Langlois	SIGNATURE OF INVENTOR 208	SIGNATURE OF INVENTOR 209
DATE 5-2-95	DATE	DATE



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:  Application of: Bolognesi et al.  
 Patent of:

Serial No.: To Be Assigned (CIP of Ser.  
 No. 08/360,107)  
 Patent No.:

Group Art Unit: To Be Assigned

Filed: On Even Date Herewith  
 Issued:

Examiner: To Be Assigned

For: METHODS AND COMPOSITION  
 FOR INHIBITION OF  
 MEMBRANE FUSION-  
 ASSOCIATED EVENTS,  
 INCLUDING HIV TRANSMISSION

Attorney Docket No.: 7872-020

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 [37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Honorable Commissioner of Patents and Trademarks  
 Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization Duke University

Address of organization Erwin Road, Durham, North Carolina, 27706

## Type of organization

University or other institution of higher education  
 Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
 Nonprofit scientific or educational under statute of state of the United States of

America

(Name of state \_\_\_\_\_)

(Citation of statute \_\_\_\_\_)

Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.

Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America

(Name of state \_\_\_\_\_)

(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled "METHODS AND COMPOSITIONS FOR INHIBITION OF MEMBRANE FUSION-ASSOCIATED EVENTS, INCLUDING HIV TRANSMISSION" by inventor(s) Bolognesi, Dani, P.; Matthews, Thomas, J.;

PENNY2-000001

JUN 06 '95 10:37 PENNIE + EDMONDS

Wild, Carl, T.; Barney, Shawn, O'Lin; Lambert, Dennis, M.; Petteway, Stephen, R., Jr.;  
 Langlois, Alphonse, J. described in

the specification filed herewith  
 application serial no. issued  
 patent no.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME Trimeris, Inc.ADDRESS 4727 University Drive  
Durham, North Carolina 27707-3438

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

FD-177-34330.1

JUN 06 '95 13:10

681-7559 PAGE 003

JUN 06 '95 10:38 PENNIE + EDMONDS

P.5

Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS      Direct Telephone calls to:  
1155 Avenue of the Americas      PENNIE & EDMONDS  
New York, N.Y. 10036-2711      (212) 790-9090

Name of person signing Hjordis Blanchard  
Title of person other than owner Administrative Director  
Address of person signing Office of Science and Technology  
Allen Building, Box 90083, Duke University, Durham, N.C. 27708-0083  
Signature Hjordis Blanchard Date 6-6-95

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)

PENNY3-380001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:  Application of: Bolognesi et al.  
 Patent of:

Serial No.: To Be Assigned (CIP of Ser. No. 08/360,107) Group Art Unit: To Be Assigned

Filed: On Even Date Herewith Examiner: To Be Assigned

For: METHODS AND COMPOSITION FOR INHIBITION OF MEMBRANE FUSION-ASSOCIATED EVENTS, INCLUDING HIV TRANSMISSION Attorney Docket No.: 7872-020

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
 [37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Honorable Commissioner of Patents and Trademarks  
 Washington, D.C. 20231

Sir:

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act in behalf of the concern identified below:

Name of concern Trimeris, Inc.

Address of concern 4727 University Drive,

Durham, North Carolina, 27707-3438

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled "METHODS AND COMPOSITION FOR INHIBITION OF MEMBRANE FUSION-ASSOCIATED EVENTS, INCLUDING HIV TRANSMISSION" by Inventor(s) Bolognesi, Dani P.; Mathews, Thomas J.; Wild, Carl T.; Barney, Shawn, O'Lin; Lambert, Dennis M.; Petteway, Stephen R., Jr.; Langlois, Alphonse J. described in

the specification filed herewith  
 application serial no.  
 patent no. issued

PENNY2-340029.1

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME Duke UniversityADDRESS Erwin Road, Durham, North Carolina, 27701

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: **PENNIE & EDMONDS**  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711

Direct Telephone calls to:  
**PENNIE & EDMONDS**  
(212) 790-9090

Name of person signing Max WallaceTitle of person other than owner Vice President of Operations and General CounselAddress of person signing Trimeris, Inc.4727 University Drive, Durham, N.C. 27707-3438Signature Max WallaceDate June 16, 1995

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)

PENNY2-380329.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Bolognesi et al.  
 Patent of:

Serial No.: 08/360,107

Patent No.:

Filed: December 20, 1994

Issued:

For: METHODS AND COMPOSITION FOR  
INHIBITION OF MEMBRANE FUSION-  
ASSOCIATED EVENTS, INCLUDING  
HIV TRANSMISSION

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

Attorney Docket No.: 7872-013

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act in behalf of  
the concern identified below:  
Name of concern Trimeris, Inc.  
Address of concern 4727 University Drive,  
Durham, North Carolina, 27707-3438

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled "METHODS AND COMPOSITION FOR INHIBITION OF MEMBRANE FUSION-ASSOCIATED EVENTS, INCLUDING HIV TRANSMISSION" by inventor(s) Bolognesi, Dani P.; Matthews, Thomas J.; Wild, Carl T.; Barney, Shawn, O'Lin; Lambert, Dennis M.; Petteway, Stephen R., Jr.; Langlois, Alphonse J. described in

the specification filed herewith  
 application serial no. 08/260,107 filed December 20, 1994  
 patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME Duke University  
ADDRESS Erwin Road, Durham, North Carolina, 27701

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: **PENNIE & EDMONDS**  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711

Direct Telephone calls to:  
**PENNIE & EDMONDS**  
(212) 790-9090

Name of person signing Richard Franco  
Title of person other than owner President  
Address of person signing Trimeris, Inc.  
4727 University Drive, Durham, N.C. 27707-3438  
Signature Richard Franco Date 5/3/95

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:  Application of: Bolognesi et al.  
 Patent of:

Serial No.: 08/360,107  
 Patent No.:

Group Art Unit: To Be Assigned

Filed: December 20, 1994  
 Issued:

Examiner: To Be Assigned

For: METHODS AND COMPOSITION  
FOR INHIBITION OF  
MEMBRANE FUSION-  
ASSOCIATED EVENTS,  
INCLUDING HIV TRANSMISSION

Attorney Docket No.: 7872-013

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization Duke University

Address of organization Erwin Road, Durham, North Carolina, 27706

Type of organization

University or other institution of higher education  
 Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
 Nonprofit scientific or educational under statute of state of the United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)  
 Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.  
 Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled "METHODS AND COMPOSITIONS FOR INHIBITION OF MEMBRANE FUSION-ASSOCIATED EVENTS, INCLUDING HIV TRANSMISSION" by inventor(s) Bolognesi, Dani, P.; Matthews, Thomas, J.; Wild, Carl, T.; Barney, Shawn, O'Lin; Lambert, Dennis, M.; Petteway, Stephen, R., Jr.; Langlois, Alphonse, J. described in

the specification filed herewith  
 application serial no. 08/360,107 filed December 20, 1994  
 patent no. issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**FULL NAME** Trimeris, Inc.

ADDRESS 4727 University Drive

Durham, North Carolina, 27707-3438

INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT  
ORGANIZATION

**FULL NAME** \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT  
ORGANIZATION

**FULL NAME** \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT  
ORGANIZATION

**FULL NAME** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_

INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:

PENNIE & EDMONDS  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711

Direct Telephone calls to:  
PENNIE & EDMONDS  
(212) 790-9090

Name of person signing Hjordis Blanchard

Title of person other than owner Administrative Director

Address of person signing Office of Science and Technology

Allen Building, Box 90083, Duke University, Durham, N.C. 27708-0083

Signature Hjordis Blanchard

Date 5-2-95

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.

(37 CFR 1.27)

## ASSIGNMENT

WHEREAS, WE, Bolognesi, Dani P.; Matthews, Thomas J.; and Wild, Carl T.; ASSIGNORS, citizens of the United States, residing at 17 Harvey Place, Durham, North Carolina 27705; 5906 Newhall Road, Durham, North Carolina 27713; and 1702 B Vista Street, Durham, North Carolina 27701, respectively, are co-inventors with Barney, Shawn O'Lin; Lambert, Dennis M.; Petteway, Jr., Stephen, R.; and Langlois, Alphonse, J., citizens of the United States, residing at 106 Branchway Road, Cary, North Carolina, 27502; 101 Centerville Court, Cary, North Carolina 27513; 203 Le Gault Drive, Cary, North Carolina 27513; and 1720 Vista Street, Durham, North Carolina 27701 of the invention in "METHODS AND COMPOSITION FOR INHIBITION OF MEMBRANE FUSION-ASSOCIATED EVENTS, INCLUDING HIV TRANSMISSION" for which we have executed an application for a Patent of the United States

which is identified by Pennie & Edmonds docket no. 7872-013  
 which was filed on December 20, 1994, Serial No. 08/360,107

and WHEREAS, Duke University, Erwin Road, Durham, N.C. 27706, ASSIGNEE is desirous of obtaining the ASSIGNORS' right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

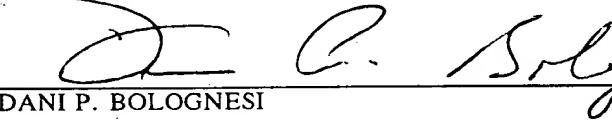
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey our entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 4/25/95, 1995

  
DANI P. BOLOGNESI

L.S.

State of North Carolina )  
 ) SS.:  
County of Orange )

On this 3d day of May, 1995, before me, a Notary Public in and for the State and County aforesaid, personally appeared Dani C. Bolognesi, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

  
Notary Public.

My Commission Expires August 14, 1995

Date May 1, 1995

Thomas J. Matthews  
THOMAS J. MATTHEWS

L.S.

State of North Carolina ) SS.:  
County of Orange )

On this 3d day of May, 1995, before me, a Notary Public in and for the State and  
County aforesaid, personally appeared Thomas J. Matthews,  
to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he  
acknowledged the same to be his free act and deed.

My Commission Expires August 14, 1995

Notary Public.

Date May 2, 1995 Carl T. Wild  
CARL T. WILD

L.S.

State of North Carolina ) SS.:  
County of Orange )

On this 3d day of May, 1995, before me, a Notary Public in and for the State and  
County aforesaid, personally appeared Carl T. Wild,  
to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he  
acknowledged the same to be his free act and deed.

Joseph L. Wallace

Notary Public.

My Commission Expires August 14, 1995

## ASSIGNMENT

WHEREAS, WE, Barney, Shawn O'Lin; Lambert, Dennis M.; Petteway, Jr., Stephen, R.; and Langlois, Alphonse, J., ASSIGNORS, citizens of the United States, residing at 106 Branchway Road, Cary, North Carolina, 27502; 101 Centerville Court, Cary, North Carolina 27513; 203 Le Gault Drive, Cary, North Carolina 27513; and 1720 Vista Street, Durham, North Carolina 27701, respectively, are co-inventors with Bolognesi, Dani P.; Matthews, Thomas J.; and Wild, Carl T., citizens of the United States, residing at 17 Harvey Place, Durham, North Carolina 27705; 5906 Newhall Road, Durham, North Carolina 27713; and 1702 B Vista Street, Durham, North Carolina 27701, of the invention in "METHODS AND COMPOSITION FOR INHIBITION OF MEMBRANE FUSION-ASSOCIATED EVENTS, INCLUDING HIV TRANSMISSION" for which we have executed an application for a Patent of the United States

which is identified by Pennie & Edmonds docket no. 7872-013  
 which was filed on December 20, 1994, Serial No. 08/360,107

and WHEREAS, Trimeris, Inc., 4727 University Drive, Durham, N.C. 27707-3438, ASSIGNEE is desirous of obtaining the ASSIGNORS' right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

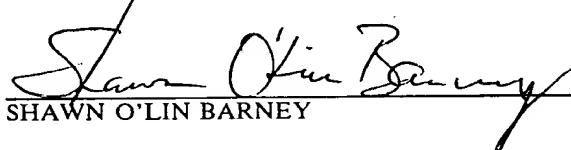
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey our entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 4/19/95, 1995

  
SHAWN O'LIN BARNEY

L.S.

State of North Carolina } SS.:  
County of Orange }

On this 30 day of May, 1995, before me, a Notary Public in and for the State and County aforesaid, personally appeared Shawn O'Lin Barney, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

  
Notary Public.

Date 4/18, 1995

Dennis M. Lambert L.S.  
DENNIS M. LAMBERT

State of North Carolina ) SS.:  
County of Orange )

On this 30 day of May, 1995, before me, a Notary Public in and for the State and County aforesaid, personally appeared Dennis M. Lambert, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

My Commission Expires August 14, 1995

Leslie L. Wallace Notary Public.

Date 4/20, 1995

Stephen R. Petteway, Jr. L.S.  
STEPHEN R. PETTEWAY, JR.

State of North Carolina ) SS.:  
County of Orange )

On this 30 day of May, 1995, before me, a Notary Public in and for the State and County aforesaid, personally appeared Stephen R. Petteway, Jr., to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

My Commission Expires August 14, 1995

Leslie L. Wallace Notary Public.

Date May 2, 1995

Alphonse J. Langlois L.S.  
ALPHONSE J. LANGLOIS

State of North Carolina ) SS.:  
County of Orange )

On this 30 day of May, 1995, before me, a Notary Public in and for the State and County aforesaid, personally appeared Alphonse J. Langlois, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

My Commission Expires August 14, 1995

Leslie L. Wallace Notary Public.